

## **REMARKS**

This amendment is submitted in response to the Office Action<sup>1</sup> of April 1, 2005. Claims 1-39 were presented for examination and were rejected. No claims are added or canceled. Thus, claims 1-39 are pending. Claims 1, 10, 19, 28 and 37-39 are independent claims and claims 10, 19, 28 and 37-39 are amended. No new matter is added.

Claims 1-39 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. newly-cited Patent No. 6,854,122 B1 to Sheriff et al. (hereinafter "Sheriff"). Applicants respectfully traverse the rejection for the following reasons.

In accordance with MPEP § 2131, to anticipate a claim, the reference must teach every element of the claim. As to be discussed in detail below, Sheriff does not meet this requirement and, in fact, does not teach multiple elements of all independent claims.

Claim 1, for example, recites:

In a storage system employed in a client-server network, an interface operating between a first protocol and a second protocol, said storage system including object manager means operative in accordance with said second protocol, said interface comprising: means for receiving first information in accordance with said first protocol from said client; means, operatively coupled to said receiving means, for determining that said first protocol is acceptable to allow further processing of said first information in said system; means, responsive to operation of said determining means, for translating said first information into second information compatible with said second protocol; means for forwarding said second information to said object manager means and, responsive to said object manager means managing said second information, for receiving a managed response thereto from said object manager means; means

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<sup>1</sup> The Office Action may contain a number of statements characterizing the cited reference(s) and/or the claims which Applicant(s) may not expressly identify herein. Regardless of whether or not any such statement is identified herein, Applicant(s) does not automatically subscribe to, or acquiesce in, any such statement. Further, silence with regard to rejection of a dependent claim, when such claim depends, directly or indirectly, from an independent claim which Applicant(s) deems allowable for reasons provided herein, is not acquiescence to such rejection of that dependent claim, but is recognition by Applicant(s) that such previously lodged rejection is moot based on remarks and/or amendments presented herein relative to that independent claim.

for reverse-translating said managed response into an equivalent response compatible with said first protocol; and, means for forwarding said equivalent response to said client. (Emphasis added)

Sheriff does not disclose or suggest claim 1 for the following reasons.

To begin with, in the Office Action, page 3, the Examiner applies column 7, lines 60-67 against Applicants' claim element: "means for receiving first information in accordance with said first protocol from said client". Applicants respectfully disagree that this section of Sheriff discloses this claim element.

"Similarly, CIM data is transmitted from the CIM/WBEM mapper 308 to the managed server 311 comprising WBEM management APIs 310, a CIMOM 312 and CIM repository 313, via a modern, local area network, parallel, serial, or other connection 309. In this embodiment, however, WBEM APIs 310, facilitate communication with CIMOM 312 and CIM repository 313 via XML instead of COM/DCOM." (Sheriff, Column 7, lines 60-67, Emphasis added.)

This section discusses data transmitted from the mapper which is an operation between mapper 308 and managed server 311 which are located at the far side of information flow from JAVA console 301, presumably the "client". This is shown in Fig. 3 in Sheriff. Clearly, data transmitted from the mapper is data that has been mapped - from the first protocol to the second protocol. Such data is in accordance with the second protocol. Therefore, whatever is represented by the language quoted above cannot be Applicants' "means for receiving first information in accordance with said first protocol from said client", as recited in claim 1, emphasis added, at least because it is describing Sheriff's mapped data in accordance with the second protocol.

Moreover, the Examiner also applies the same section in Sheriff against Applicant's claim element: "means, operatively coupled to said receiving means, for determining that said first protocol is acceptable to allow further processing of said first information in said system", as recited in claim 1, emphasis added. Assuming, *arguendo*,

that there was some rational basis for equating the above-quoted language to Applicants' receiving means (which there is not), then any other means represented by exactly the same language might possibly be construed to be operatively coupled to that receiving means, because the same language allegedly represents both means. However, it is illogical to have the same language represent two different means functions. Indeed, that same language in Sheriff simply is not equivalent to Applicants' determining means, at least for the following substantive reasons.

There is nothing in that language which discloses or suggests any effort being made by Sheriff to determine if the first protocol is acceptable for further processing. There is no comparison functionality, no filtering functionality, no threshold functionality, etc. disclosed or suggested in this section of Sheriff by which such determination could be pursued. Moreover, this section of Sheriff describes operation at the opposite end of the communication path from where the JAVA console (Client) is positioned, and any acceptability determination, if it existed at all, would have necessarily been made earlier in the path, well prior to the onset of the mapping function. And, in reviewing the entirety of Sheriff, looking for any functionality that would suggest a protocol acceptability determination operation, none can be found. Thus, Applicants' determining means is not disclosed or suggested by Sheriff. On this basis alone, in view of MPEP § 2131, the rejection of claim 1 should be withdrawn and the claim allowed.

Since there is no "determining means" disclosed or suggested in Sheriff as explained above, it logically follows that Sheriff cannot disclose or suggest a claim element that is responsive to that determining means. Accordingly, Applicants' position is that "means, responsive to operation of said determining means, for translating said

first information into second information compatible with said second protocol” as recited in claim 1 (Emphasis added) cannot be disclosed or suggested by Sheriff et al.

Reinforcing Applicant’s position, the Office Action, page 3, applies Sheriff column 5, lines 16-20 against Applicants’ translating means. This section appears to be wholly inapplicable to any translation function because it appears in Sheriff under the sub-heading of “CIM Client Adapter” (see Col. 3, line 44), and under item 6 “setInstance” contained therein, the functionality of which does not relate to translation. Rather, operation of this functionality would appear to occur within CIM Client Adapter 14 in Fig. 1 or within CIM Client Adapter 305 in Fig. 3, respectively. As can be seen in these Figs., these adapters are separate from both the interfacing/mapping functionality reflected in JAVA/WMI native interface 15, JNI 16 and CIM/WMI mapper 17 of Fig. 1 and JAVA/WBEM interface 306, JNI 307 and CIM/WBEM mapper 308 of Fig. 3, respectively. Thus, it is respectfully submitted that the Office Action’s reliance on this section of Sheriff to show a translation function is not supported in Sheriff.

Indeed, a mapping function is disclosed in Sheriff, but the question to be answered is whether or not that mapping function bears any relationship to Applicants’ “translating means” as recited in claim 1. Applicants respectfully submit that any mapping function disclosed in Sheriff is not equivalent to Applicants’ “translating means” as recited in claim 1 because that function is not performed in response to a first protocol acceptability determination as required by Applicants’ claim. In other words, Sheriff’s JAVA/WMI native interface 15, JNI 16 and CIM/WMI mapper 17 functionality does not disclose or suggest “means, responsive to operation of said determining means, for translating said first information into second information compatible with said second

protocol” at least because that functionality is not responsive to anything in Sheriff that could be construed as being equivalent to Applicants’ determining means. The same can be said for similar functionality in Sheriff (i.e., 306, 307 and 308) shown in its Fig. 3. Therefore, Applicants’ translating means is not disclosed or suggested by Sheriff. On this basis alone, in view of MPEP § 2131, the rejection of claim 1 should be withdrawn and the claim allowed.

Because any mapping being performed in Sheriff provides “second information” that was not obtained by way of an acceptability determination, that second information is different from Applicants’ claimed second information, at least in that regard. It is therefore respectfully submitted that Applicants’ “means for forwarding said second information to said object manager means and, responsive to said object manager means managing said second information, for receiving a managed response thereto from said object manager means” as recited in claim 1, emphasis added, is not disclosed or suggested by Sheriff because the second information that is being manipulated in claim 1 is not the same second information being represented in Sheriff. On this basis alone, in view of MPEP § 2131, the rejection of claim 1 should be withdrawn and the claim allowed.

The same logical argument carries forward to Applicants’ “managed response reverse translating means” and “equivalent response forwarding means.” Since the second information in Applicants’ claim 1 is different from any allegedly equivalent second information in Sheriff, the claimed managed response and the claimed equivalent response, which are both based on Applicants’ second information, must also be different from their alleged equivalents in Sheriff. Accordingly, “means for reverse-translating

said managed response into an equivalent response compatible with said first protocol” as recited in claim 1 (Emphasis added) and “means for forwarding said equivalent response to said client” as recited in claim 1 (Emphasis added) are not disclosed or suggested in Sheriff. Sheriff is deficient in this regard since the claimed managed and equivalent responses are different from any allegedly similar responses suggested in Sheriff, at least because Applicants’ and Sheriff’s “second information” are not equivalent for reasons given. In view of MPEP § 2131, the failure of Sheriff to show either claim element is, by itself, sufficient reason to support withdrawal of the rejection, and allowance, of claim 1.

MPEP § 2131 states that to anticipate a claim, the reference must teach every element of the claim. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). In this instance, it is clear that multiple elements of claim 1 are not expressly or inherently described in this reference. “The identical invention must be shown in as complete detail as is contained in the ...claim.” See *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). In this instance it is clear that lack of certain detail, not to mention lack of the broader concept of protocol acceptability determination itself, has impacted multiple elements of claim 1, wherefore the identical invention is not shown. Therefore, it is respectfully requested that the rejection of claim 1 be withdrawn and the claim allowed, for any one or all of the reasons given above.

The other currently amended independent claims 10, 19, 28 and 37-39 each recites limitations similar to those of claim 1. Accordingly, these other independent

claims are likewise allowable, for reasons given above. Their dependent claims, as well as those of claim 1, are therefore allowable for reasons based at least on their respective dependencies, directly or indirectly, from allowable base claims. It is therefore respectfully requested that the rejection of claims 2-8, 11-18, 20-27 and 29-36 be withdrawn and the claims allowed.

The dependent claims are also allowable for reasons based on their individual recitations. For example, dependent claims 4, 13, 22 and 31 each recite the equivalent of:

- establishing a plurality of acceptable protocols;
- comparing the first protocol against the plurality of protocols seriatim until the first protocol matches one of the plurality of protocols; and
- allowing further processing in response to the comparison.

The Office Action, page 4, alleges that these three elements are shown in column 8, lines 1-14, column 2, lines 20-44 and column 7, lines 50-67, respectively. However, none of these limitations is shown.

Indeed, column 8, lines 1-15 merely discusses the possibility of other embodiments and makes vague references to other protocols, i.e.: “other protocols (including subsequently developed protocols) may be sufficient to implement the embodiments described herein”. It is respectfully submitted that such language is too general and vague to teach or suggest the pro-active step of “establishing a plurality of acceptable protocols”. That language does not even come close to describing how to establish a plurality of acceptable protocols.

Furthermore, in column 2, lines 20-44, there is no suggestion or hint that a first protocol is compared against a plurality of acceptable protocols seriatim, i.e., in a series,

one protocol after the other, until a match is achieved. If the Examiner persists in applying this section of Sheriff against Applicants' claims, it is respectfully requested that the Examiner please point to any language that suggests a protocol comparison, seriatim, until a match is achieved.

Finally, in column 7, lines 50-67, there is nothing in that language which discusses or suggests a responsiveness to a comparing function to allow further processing, at least because there is no comparison function disclosed in the prior section of Sheriff.

Therefore, it is respectfully requested that the rejections of claims 4, 13, 22 and 31 be withdrawn and the claims allowed for these additional reasons beyond those based on their individual dependencies from allowable base claims.



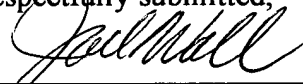
### CONCLUSION

In view of the above, reconsideration and allowance is respectfully requested. Applicants agree that the prior art of record which was not relied upon should not have been relied upon. Furthermore, that prior art does not cure the deficiencies of Sheriff with respect to Applicants' claims.

To the extent that an extension of time may be needed in order to enter this amendment in this case, please consider this response as including a petition under 37 C.F.R. § 1.136 for such extension of time. Please charge any fee for such petition or any other fee or cost that may be incurred by way of this amendment to Patent Office deposit account number 05-0889.

If the Examiner feels that a telephone conversation may serve to advance the prosecution of this application, he is invited to telephone Applicants' undersigned representative at the telephone number provided below. A change of address in this application is included with the papers filed herewith.

Respectfully submitted,



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